IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2247 OF 2005

Abdul Rahim Ismail Payak ....Petitioner
Versus
The Mumbai Municipal Corporation & Ors. ....Respondents

Mr.Milind Vasudeo with Mr.S. A. Sawant and Mr.H. V. Kode for the Petitioner.
Ms.Shobha Ajitkumar for Respondent Nos.1 to 5.
Mr.G. S. Bhat for Respondent No.6.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 19TH SEPTEMBER, 2005.

P.C. :

In this Petition, the Petitioner has alleged that there has been unauthorised construction carried out by Respondent No.6 in the building known as “Diamond Building”. According to the Petitioner, Respondent No.6 has started illegal and unauthorised construction in the said tenanted premises without the permission from the Petitioner as well as from the concerned Respondent authorities.

2. It is alleged that the building is in a dilapidated condition and any alteration and renovation may result in loss of life and property of the occupants of the said building. According to the Petitioner, despite number of representations, no action has been

taken by the Corporation.

3. On 16th August, 2005, the Corporation had sent notice under Section 351 of the M. M. C. Act to Respondent No.6 to remove unauthorised construction. We have directed the Respondent - Corporation to inspect the said Building and submit a report to this Court in our order dated 5th September, 2005. The Respondent – Corporation has not carried out the inspection. We grant one more opportunity to the Respondent – Corporation to carry out the inspection. Let the Respondent – Corporation now carry out the inspection within two weeks from today and in case the Corporation is of the opinion that there is unauthorised construction, then they will take action in accordance with law as expeditiously as possible.

4. No further directions are necessary in this Writ Petition. The Petition is accordingly dismissed.

CHIEF JUSTICE

S.J. VAZIFDAR, J.